

Adjournment.

The Senate, at 3:05 o'clock p. m., on motion of Senator Clark, adjourned until 10 o'clock tomorrow morning.

THIRD DAY.

Senate Chamber,
Austin, Texas,
Friday, August 3, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

Roll Call.

The Chair directed the Secretary to call the roll of the Senate. A quorum was not present, the following Senators answering to their names:

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Johnson of Hall.	Page.
Buchanan of Scurry.	Parr.
Caldwell.	Robbins.
Clark.	Smith.
Dayton.	Suiter.
Decherd.	Westbrook.
Henderson.	Woodward.

Absent.

Bailey.	Harley.
Dean.	Hopkins.
Floyd.	Hudspeth.
Gibson.	McCollum.
Hall.	Strickland.

Call of the Senate.

Senator McNealus moved a call of the Senate for the purpose of obtaining a quorum which motion being duly seconded, the call was accordingly ordered.

The roll was called the following Senators answering to their names:

Alderdice.	Decherd.
Bee.	Henderson.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Dayton.	Parr.

Robbins.
Smith.
Suiter.

Westbrook.
Woodward.

Absent.

Bailey.	Hopkins.
Buchanan of Bell.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Page.
Hall.	Strickland.
Harley.	

The doors of the Senate were closed and the Sergeant-at-Arms was instructed to bring in the absentees.

Pending a short delay the chair announced the arrival of Senators Buchanan of Bell, Hall, Harley and Page which completed a quorum the following Senators being present:

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

On motion of Senator McNealus the call was suspended and the doors of the Senate opened.

Prayer by Rev. S. H. Morgan of Bastrop County.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Proclamation by the Governor.

The Chair here directed the reading of the following proclamation by the Governor, calling a Second Special Session of the Thirty-fifth Legislature, to be convened on the first day of August, A. D. 1917, at high noon.

Proclamation.

Whereas, on the second day of June, A. D. 1917, I, as Governor of

Texas, officially vetoed and disapproved the main part of the appropriation made by the Thirty-fifth Legislature for the maintenance of the State University, including the Medical Branch of same, at Galveston, Texas, same being now upon file in the office of the Secretary of State; and

Whereas, in said veto proclamation I gave my reasons for said action, to which reference is hereby made, and which reasons are hereby reaffirmed and reasserted; and which action I would again repeat under the same circumstances; and

Whereas, it has been untruthfully stated and persistently circulated that I vetoed said appropriation because I was seeking to destroy the State University, and because I knew at the time that on account of the fact that the Legislature had adjourned the Legislature would not have an opportunity to override my said veto;

Now, Therefore, by virtue of the authority vested in me under the Constitution and laws of the State of Texas, I do hereby call and convoke the Thirty-fifth Legislature in a Second Called or Special Session, and order that same be convened in the State Capitol at Austin, Texas, at twelve o'clock, high noon, Wednesday, the first day of August, A. D. 1917, for the purpose of considering and making additional appropriation for the support and maintenance of the State University for the two fiscal years beginning September 1, 1917, and ending August 31, 1919.

I do not fear the traducers of my good name; and this great question of proper education will continue to be an issue before the people of this State. And I am glad of the opportunity to let the representatives of the people in the Legislature put themselves on record, so that the voters of the State may weigh the official acts of their public servants on this far-reaching issue.

I trust and hope that the Legislature will pass upon this appropriation within ten days, and I promise that within the succeeding ten days I will pass upon the appropriation so that if my views do not coincide with the views of the Legislature they will have ample opportunity to take such action as they may deem mete and proper in the premises.

I again declare that the appropriation made by the Thirty-fifth Legislature was grossly excessive and extravagant, and I am willing to have the issue clearly joined, and then we will go to the people and let them say which servant represented their views.

Given under my hand and seal of office this the 30th day of July, 1917 at the City of Austin, Texas.

JAS. E. FERGUSON,

(Seal) Governor of Texas.

By the Governor:

C. J. BARTLETT,

Secretary of State.

Endorsed: Filed in the office of the Secretary of State this day, the 30th of July, 1917.

C. J. BARTLETT,

Secretary of State.

Department of State.

I, C. J. Bartlett, Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of the proclamation by the Governor of the State of Texas, calling a Second Called Session of the Thirty-fifth Legislature, to be convened on the first day of August, A. D. 1917, at high noon with the endorsements thereon, as now appears on file in this Department.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, this the first day of August, A. D. 1917.

C. J. BARTLETT;

Secretary of State.

President Pro Tem.—Election of.

The Chair announced that nominations for President Pro Tem. for the ensuing Called Session were in order.

Senator Clark placed in nomination for that place Senator Lon A. Smith of Rusk County.

There being no other nominations, the Chair declared nominations closed and appointed Senators Bee, Robbins and Buchanan of Scurry as tellers.

Senator Smith received 18 votes, being a majority of all votes cast and was declared to be duly and constitutionally elected President Pro Tempore of the Senate for and dur-

ing the Second Called Session of the Thirty-fifth Legislature.

The Chair appointed Senators Suiter, Buchanan of Bell and Alderdice as a committee to escort President Pro Tem. Smith to the President's stand, whereupon he took the constitutional oath of office, administered by Lieutenant Governor Hobby.

President Pro Tem. Smith was presented to the Senate, whereupon he addressed the Senate.

Report of Caucus Committee.

Senate Chamber,
Austin, Texas, August 2, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Upon a call of Senator McNealus, Chairman of the last caucus held by the Texas Senate, a caucus was held on Thursday, August 2, 1917, in the Finance Room to determine the number and personnel of the Senate officers and employees for the ensuing Special Session. A majority of Senators were present.

It was recommended that all former officers and employees elected by the Senate at the First Called Session be continued as the officers and employees of the Senate during the Current Special Session except Assistant Enrolling Clerk, Assistant Engrossing Clerk and Assistant Calendar Clerk, also except Notarial Clerk, Assistant Notarial Clerk, and that the number of Pages be limited to ten.

It was further recommended that each Senator be permitted to name one stenographer typist and that such employe act as clerk to each committee of which said Senator may be Chairman.

It was further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It is further recommended that the Lieutenant Governor be permitted to select a secretary and a stenographer and a personal messenger.

It is further recommended that compensation of all officers and employees be \$5.00 per day, except that the Secretary of the Senate and the Journal Clerk shall each receive \$7.00 per day, and except further

that the pages and porters shall be paid \$2.00 per day.

It is further recommended that in case of a vacancy in the position of any employe or officer, during the session, that the Lieutenant Governor be permitted to fill such vacancy, and further that if in the judgment of the Lieutenant Governor the services of any officer or employe of the Senate shall become unnecessary the Lieutenant Governor shall have the authority to dispense with services of such officer or employe.

It is further recommended that the Senators be given such time as they desire to name their personal appointments, and that such appointment be made by handing the name of such appointee to the Secretary of the Senate.

McNEALUS, Chairman.
CALDWELL, Secretary.

The report was laid before the Senate, read and adopted on motion of Senator McNealus.

The following is the personnel of the officers and employees included in the foregoing report:

Secretary, John D. McCall.

Assistant Secretary, Geo. H. Boynton.

Journal Clerk, T. H. Yarbrough.

Assistant Journal Clerk, Otto Ridgeway.

Second Assistant Journal Clerk, Ralph Soape.

Calendar Clerk, W. C. Day.

Sergeant-at-arms, M. F. Hornbuckle.

First Assistant Sergeant-at-Arms, Jas. Kenny.

Second Assistant Sergeant-at-Arms Jack Crotty.

Doorkeeper, Z. A. McReynolds.

Assistant Doorkeeper, I. D. Eagan.

Enrolling Clerk, J. J. Albright.

Engrossing Clerk, Mrs. Clara Hemphill.

Mailing Clerk, Mrs. Sally Stelfox.

Assistant Mailing Clerks, Mrs. E. C. Little, Miss Lavinia Harvill, and Miss May Odom.

Senate Librarian, Mrs. Frances McMinds.

Postmaster, Mrs. Clyde Smith.

Chaplain, Rev. S. H. Morgan.

Utility Clerk, Mrs. Myrtle Morrison.

Finance Committee Clerk, R. V. Nichols.

Night Librarian, T. J. Owens.

General Messenger, Geo. T. Walker.

Special Sergeant-at-Arms, W. W. Williams.

Private Secretary to the Lieutenant Governor, William Atkinson.

Officers Elected.

On motion of Senator Lattimore, the Secretary was directed to cast the vote of the entire Senate for the elective officers of the Senate; the same was done, and the officers were declared elected.

Oath of Office Administered to Officers.

Here the following officers appeared en masse before the bar of the Senate and took the oath of office, administered by Lieutenant Governor Hobby:

Secretary, John D. McCall; Assistant Secretary, Geo. H. Boynton; Journal Clerk, T. H. Yarbrough; Second Assistant Journal Clerk, Ralph Soape; Sergeant-at-Arms, M. F. Hornbuckle; First Assistant Sergeant-at-Arms, Jas. Kenny; Second Assistant Sergeant-at-Arms, Jack Crotty; Doorkeeper, Z. A. McReynolds; Assistant Doorkeeper, I. D. Eagen; Calendar Clerk, W. C. Day; Engrossing Clerk, Mrs. Clara Hemp-hill.

Notification Committee.

Senator Bee moved that the Chair appoint two committees of three members each to notify the Governor and House that the Senate was organized and ready for the transaction of business.

The motion was adopted.

The Chair appointed the following members as the committees provided for:

To notify the Governor: Senators Clark, Parr and Hall.

To notify the House: Senators Lattimore, Johnston of Harris, and Woodward.

Each of the above committees proceeded at once to the performance of their duties, and made report.

The reports of said committees were received by the Senate and the committees discharged.

Pages and Porters Appointed.

The Chair appointed the following pages and porters:

Pages: Phil Wray, Berkley Bell, John Hurley, Jack Smith, Stewart Francis, Eugene Potter, Rob Robison, Fielding Jones, Dick McNutt, C. A. Leddy, Jr.

Porters: Willie Carpenter, Andrew Murphy, Erwin Hatch, Horace Nichols, Green Medearis, Buck Green, Tom White, Eugene Williams, Tom Plummer, Chester Idom, Jack Blocker.

House Notifies the Senate.

Here a committee from the House appeared at the bar of the Senate and notified the Senate that the House had completed its organization and was ready for the transaction of business.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Caldwell:

S. B. No. 1, A bill to be entitled "An Act making appropriation of the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened August 1, 1917, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Caldwell:

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employes of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened on August 1, 1917, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Read first time and referred to the Committee on Finance.

Simple Resolution No. 1.

Resolved that the Sergeant-at-Arms pay rent for such typewriter machines as may be necessary (not to exceed \$3.00 per month for each machine) for the employes of the Senate.

CALDWELL.

The resolution was read and adopted.

Simple Resolution No. 2.

Resolved, That the Sergeant-at-Arms of the Senate be instructed to learn from the Superintendent of Public Buildings and Grounds where the ceiling fans that formerly were suspended in the Senate Chamber are and to have the same restored to their proper places, that they may serve the purpose for which they were intended, namely, to cool the atmosphere of the Senate Chamber and to add to the comfort of its occupants.

McNEALUS.
CLARK.

The resolution was read and adopted.

Simple Resolution No. 3.

(Senate Rules adopted.)

Be it resolved that the Senate adopt the rules of the First Called Session of the Thirty-fifth Senate as the rules governing the Second Called Session.

CALDWELL.

The resolution was read and adopted.

Simple Resolution No. 4.

Resolved that the Lieutenant Governor and each Senator, in addition to the postage and stationery furnished him be allowed expenses incurred for transmitting and receiving such telegrams and telephone messages as may be actually necessary in the discharge of his official duties not to exceed during the Second Called Session of the Thirty-fifth Senate, the aggregate sum of twenty-five dollars, all bills for such telegrams and telephone messages

to be paid out of the contingent fund of the Senate when approved by such Senator receiving the same.

CALDWELL.

The resolution was read and adopted.

Senate Concurrent Resolution No. 1.

(Joint Rules adopted.)

Resolved that the Joint Rules of the two Houses of the First Called Session of the Thirty-fifth Legislature be adopted as the Joint Rules of the Second Called Session.

McNEALUS.

The resolution was read and adopted.

Simple Resolution No. 5.

Be it resolved that the Lieutenant Governor and each Senator be permitted to subscribe for five newspapers to be paid for out of the contingent expense fund of the Senate.

CALDWELL.

The resolution was read and adopted.

Morning call concluded.

Senate Bill No. 1.

(By unanimous consent.)

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 1 put on its second reading by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Sulter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

The Chair laid before the Senate on second reading:

S. B. No. 1, A bill to be entitled "An Act making appropriations of the sum of one hundred twenty-five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened August 1, 1917, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 1 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

Senate Bill No. 2.

(By unanimous consent.)

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 2 put on its second reading by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

The Chair laid before the Senate on second reading:

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employees of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened on August 1, 1917, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 2 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Bailey.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

Simple Resolution No. 6.

(By unanimous consent.)

By Senator Woodward:

Whereas, the Grand Jury of Travis County on July 27th returned into court four indictments against the Honorable Charles O. Austin, State Commissioner of Insurance and Banking, and

Whereas, the said Commissioner was charged with the offense of misappropriation of public money, and

Whereas, it is claimed by the said Commissioner that he had no opportunity to appear before the Grand Jury and explain the transactions complained of; that no employe of his

department was summoned before the Grand Jury as a witness and no records of his department were sought in the process of obtaining information upon which the indictments were predicated, and

Whereas, the integrity of the head of this department is essential to the security of each and every one of the more than eight hundred fifty-five State banks operating in Texas; that ability to compete with the National banks in their neighborhood rests upon the confidence of the people; that these State banks are under the direct, immediate and continuous supervision of a State official whose duty it is to insure their safety by requiring a strict compliance with the laws of the State respecting their transactions; that this confidence is destroyed when it is heralded by the press of the country to the people that the man upon whom they have relied as their representative to see that these banks are required to comply with the laws is himself indicted for misappropriation of public funds, this condition tends to injure every State bank in the State of Texas by destroying the confidence of the people in them and has a tendency, therefore, to injure every citizen of the State who has been doing business with them and that what has here been said with reference to State banks applies in a greater or less degree to all the insurance companies doing business in Texas who are under the supervision of this department and to whom the people look for protection against such casualties and accidents as they are insured against by said companies, thereby effecting the interests of every policyholder in Texas of these companies and to the extent that the confidence of the policyholder is affected by reason of these indictments of the integrity of the State official to whom they look for supervision, and

Whereas, it will be impossible for the said Commissioner, notwithstanding his readiness to go to trial at any time, to obtain a trial of these cases before the October term of the District Court of Travis County; that in the interval uncalculated injury may be done to the State banks of this State, to the depositors therein, and the policyholders of the insurance companies of this State, and

Whereas, as such Insurance and Banking Commissioner, he is the custodian of millions of dollars of securities which the banking institutions

and insurance companies, under the law, are compelled to deposit with him, and

Whereas, the fact that he has been charged with misappropriation of public funds would naturally alarm those who are compelled under the law to deposit and leave with him these securities, it is but just that the State of Texas should not permit an unnecessary day to elapse before the truth or falsity of these charges are determined by a full and fair investigation from some (disinterested) source clothed with the authority to make such investigation; therefore, be it

Resolved, That a committee of five be appointed by the President of the Senate whose duty it shall be to fully investigate said Department of Insurance and Banking and its Commissioner, the Honorable Charles O. Austin, not only with reference to the indictments which have been found against him by the Grand Jury of Travis County but with reference to the conduct of his office and his compliance or failure to comply with the laws affecting him and made for the protection of those dealing with his department.

That this investigation is intended to be a full investigation of every fact which is necessary to enable this committee to report to the Senate and the Senate to report to the people of Texas the truth and the whole truth concerning this department, its official head and his fidelity in carrying out the trust imposed in him under the laws of this State.

That for this purpose said committee shall have, not only all the powers given to legislative investigating committees by virtue of Articles 517 to 524 of the Revised Statutes of Texas, but in addition thereto shall have the power to administer oaths, to summons witnesses and enforce their attendance, to have produced before them any books, documents or other instruments in writing which they may deem essential to their investigation, and any person wilfully refusing to appear as a witness when duly summoned by the Sergeant-at-Arms or his deputies upon a summons issued under the authority of said committee, or to produce before said committee any document, book or other written instrument demanded by said committee, shall be deemed to be in contempt of said committee and shall be brought

before the bar of the Senate to be tried for contempt.

That the witnesses shall receive the per diem and mileage paid witnesses in the district courts of this State and said payment shall be made out of the contingent expense fund of the Senate.

That a stenographic report shall be made of the testimony taken by said committee and for that purpose they may employ competent stenographers to be paid the usual fees paid court stenographers under the laws of this State, which said payments shall be made out of the contingent expense fund of the Senate.

That the said Charles O. Austin shall be permitted to appear before said committee in person and by counsel and shall have the right to examine the witnesses brought before said committee and shall have the right to have such witnesses in his behalf as he may desire.

That the chairman of said committee or the secretary of the same shall be and is hereby authorized to administer oaths to such witnesses as shall be brought before said committee.

That the report of said committee, with such recommendations as it may desire to make, shall be presented to the Senate for such action as it may deem the testimony to warrant.

WOODWARD.

The resolution was read and on motion of Senator Bailey the same was referred to the Committee on Insurance and Banking.

Simple Resolution No. 7.

(By unanimous consent.)

By Senator McNealus:

Resolved, That two thousand copies of the Senate Journal, for the Second Called Session of the Thirty-fifth Legislature, be printed daily, and be pro rated among the Senators and the Lieutenant Governor, for distribution among their constituents.

The resolution was read and adopted.

Simple Resolution No. 8.

(By unanimous consent.)

By Senator Bee:

Whereas, Hon. James A. Harley,

Senator from the Twenty-first District, is now an officer in the Texas National Guard, with the rank of Major; and

Whereas, the said National Guard will be mustered into service of the United States on Sunday, August 5th, 1917, and thus become a part of the army of the United States and the said Senator James A. Harley will thereupon enter the service of the United States; and

Whereas, there is a question as to the right of the said Senator James A. Harley to continue as a Senator of Texas; and

Whereas, the Senate is the judge of the qualification of its own members; therefore be it

Resolved, That the Committee on Privileges and Elections be instructed to at once investigate the said question and at once report back to the Senate with reference to same.

The resolution was read and adopted.

Simple Resolution No. 9.

(By unanimous consent.)

Whereas, the Senate of the United States has passed a measure that will secure for the people of the United States nation wide prohibition and thereby conserve the food supply of the country; and

Whereas, it is necessary for the House to pass this measure; therefore be it

Resolved, by the Senate of Texas, that we request each and every congressman from Texas, in the present United States Congress, to vote for said measure, and that a copy of this resolution be sent to each member in the House from Texas by the Secretary of the Senate.

Dayton, Henderson, Lattimore, Woodward, Decherd, Westbrook, Buchanan of Scurry, Robbins, Sulter, Smith, Buchanan of Bell, Alderdice.

The resolution was read, and Senator Clark moved to table the same, which motion was lost by the following vote:

Yeas—9.

Bailey.	Johnston of Harris.
Bee.	McNealus.
Clark.	Page.
Hall.	Parr.
Harley.	

Nays—11.

Alderdice.	Lattimore.
Buchanan of Bell.	Robbins.
Buchanan of Scurry.	Smith.
Dayton.	Sulter.
Decherd.	Woodward.
Henderson.	

Absent—Excused.

Caldwell.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	Westbrook.

The resolution was then read and adopted by the following vote:

Yeas—12.

Alderdice.	Lattimore.
Buchanan of Bell.	Robbins.
Buchanan of Scurry.	Smith.
Dayton.	Sulter.
Decherd.	Westbrook.
Henderson.	Woodward.

Nays—9.

Bailey.	Johnston of Harris.
Bee.	McNealus.
Clark.	Page.
Hall.	Parr.
Harley.	

Absent—Excused.

Caldwell.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

Senator Bailey moved to rescind the vote by which the resolution was adopted. The motion to rescind was lost by the following vote:

Yeas—9.

Bailey.	Johnston of Harris.
Bee.	McNealus.
Clark.	Page.
Hall.	Parr.
Harley.	

Nays—12.

Alderdice.	Lattimore.
Buchanan of Bell.	Robbins.
Buchanan of Scurry.	Smith.
Dayton.	Sulter.
Decherd.	Westbrook.
Henderson.	Woodward.

Absent.

Caldwell.	Floyd.
Dean.	Gibson.

Hopkins.
Hudspeth.
Johnson of Hall.

McCollum.
Strickland.

Excused.

On motion of Senator Henderson, all Senators absent on the first, second and third days of this session, were excused from attendance on those days.

Committee Vacancies Filled.

Senator Dayton moved that the Chair appoint Senators to fill the vacancies in committees of the Senate caused by the resignation of Senator King.

The motion prevailed and the Chair announced the following appointments:

Substitute for Senator King:
Finance, Woodward.
Privileges and Elections, Hall.
Rules, Decherd.

At Ease.

By unanimous consent and on request of Senator McNealus, the Senate at 12:40 o'clock p. m., stood at ease until 2:30 o'clock today.

In the Senate.

The Senate was called to order at 2:30 o'clock by President Pro Tem. Smith.

By unanimous consent the Senate again stood at ease for thirty minutes.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, August 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1, A bill to be entitled "An Act making appropriation of the sum of twenty-five thousand dollars (\$25,000), or as much thereof as may be necessary, to pay the contingent expenses of the Second Called Session of the Thirty-fifth

Legislature of the State of Texas; providing how accounts may be approved, and declaring an emergency."

H. B. No. 2, A bill to be entitled "An Act appropriating the sum of sixty-five thousand dollars (\$65,000), or so much thereof as may be necessary, out of the general revenue not otherwise appropriated, to pay the mileage and per diem of members and the salaries and per diem of officers and employes of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, providing how accounts may be approved and declaring an emergency."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Smith, had referred; after their captions had been read, the following House bills:

H. B. No. 1, referred to the Committee on Finance.

H. B. No. 2, referred to the Committee on Finance.

Simple Resolution No. 10.

Whereas, in overhauling and repairing the Senate Chamber under the appropriation made for that purpose by the Thirty-fourth Legislature, there was wiring installed and four electric fans purchased for the Senate and paid for out of said appropriation, and same are now the property of the State; therefore, be it

Resolved, by the Senate, that the Superintendent of Public Buildings and Grounds be and he is hereby instructed to have said fans installed; and, be it further

Resolved, that the expense of such installation be paid out of the contingent expense fund of the Senate.

BUCHANAN of Bell,
BUCHANAN of Scurry.

The resolution was read and

Senator Clark made the point of order that the Senate had today by Simple Resolution No. 2, ordered the overhead fans replaced in this chamber, and that this resolution cannot now be considered without first rescinding the action by which the former order was made.

The Chair held that the two resolutions do not conflict and overruled the point of order.

Senator Clark offered the following substitute for the pending resolution:

Substitute Resolution.

Resolved, that the Sergeant-at-Arms is hereby instructed to have the ceiling fans restored instantler, and the Junebug buzzing fans with the Dutch windmill effect be sold, and the proceeds thereof be used to pay part of the cost of installing the ceiling fans, and the balance of said cost be paid out of the contingent funds.

CLARK.

The substitute was read and substituted for the pending resolution.

The resolution as substituted was then adopted.

House Bill No. 1.

(By unanimous consent.)

On motion of Senator Page the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 1 put on its second reading by the following vote:

Yeas—20.

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McNealus.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Hall.

Absent—Excused.

Caldwell.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

The Chair laid before the Senate on second reading:

H. B. No. 1, A bill to be entitled "An Act making appropriations of the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to pay the contingent

expenses of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened August 1, 1917, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 2.

(By unanimous consent.)

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 2 put on its second reading by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McNealus.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent—Excused.

Caldwell.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

The Chair laid before the Senate on second reading:

H. B. No. 2, A bill to be entitled "An Act making appropriation of \$65,000 or so much thereof as may be necessary to pay the per diem and mileage of members and per diem of officers and employes of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened on the first day of August, 1917, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The Senate rule requiring commit-

tee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 2 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McNealus.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent—Excused.

Caldwell.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

The bill was laid before the Senate, read third time and, on motion of Senator Page, was passed by the following vote:

Yeas—21.

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McNealus.
Buchanan of Bell.	Page.
Buchanan of Scurry.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent—Excused.

Caldwell.	Hudspeth.
Dean.	Johnson of Hall.
Floyd.	McCollum.
Gibson.	Strickland.
Hopkins.	

Adjournment.

At 3:50 o'clock p. m. the Senate on motion of Senator Page, ad-

journed until 10 o'clock Monday morning.

APPENDIX.

Committee Reports.

(Floor report.)

Senate Chamber,
Austin, Texas, August 2, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act making appropriations to pay the contingent expenses of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened on August 1, 1917, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Vice Chairman; Westbrook, Parr, Bee, Page, Clark.

(Floor report.)

Senate Chamber,
Austin, Texas, August 2, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employes of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened August 1, 1917, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate, with the recommendation that it do pass and be not printed.

Caldwell, Vice Chairman; Westbrook, Parr, Bee, Page, Clark.

(Floor Report.)

Senate Chamber,
Austin, Texas, August 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of sixty-five thousand dollars or so much thereof as may be necessary out of the general revenue not otherwise appropriated to pay the mileage and per diem of members and the salaries and per diem of the officers and employes of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened on August 1, 1917, by proclamation of the Governor, providing how accounts may be approved and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Page, Vice Chairman; Clark, Westbrook, Decherd, Bee, Parr, Johnston, of Harris.

(Floor Report.)

Senate Chamber,
Austin, Texas, August 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of twenty-five thousand dollars or so much thereof as may be necessary to pay the contingent expenses of the Second Called Session of the Thirty-fifth Legislature of the State of Texas, convened August 1, 1917, by proclamation of the Governor, providing how accounts may be approved and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Page, Vice Chairman; Clark, Westbrook, Decherd, Bee, Parr, Johnston of Harris.

Committee Room,
Austin, Texas, August 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on

Banking and Insurance, to whom was referred

Simple Resolution No. 6 (see Journal of today for resolution in full),

Have had the same under consideration and beg to refer it back with the recommendation that it be printed in the journal of today and that the Senate, as a whole, take such action as they see fit at their next meeting.

CLARK, Chairman.

Engrossing Committee Report.

Committee Room,
Austin, Texas, August 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 1, and find the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, August 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 2, and find the same correctly engrossed.

ALDERDICE, Chairman.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
Monday, August 6, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McCollum.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.
Hopkins.	Woodward.